**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH**
**AT HYDERABAD**

WEDNESDAY THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE
: PRESENT :
**THE HON'BLE MR. JUSTICE : GHULAM MOHAMMED.**

TR.CRIMINAL PETITION No. 154 of 2005

**Between:**

1. Chintalapudi Renukamma.
2. Chintalapudi Chaitanya.

.. Petitioners

**AND**

1. The State, rep. by the Public Prosecutor.
2. Chintalapudi Venkataramaiah, S/o. Veeraiah, R/o. 6th Ward, Avanigadda, Krishna District.
3. Chintalapudi Srinivasa Rao @ Srinu, S/o. Venkataramaiah, R/o. 6th Ward, Avanigadda, Krishna District.
4. Chintalapudi Sai Naga Krishna @ Sai, S/o. Venkataramaiah, R/o. 6th Ward, Avanigadda, Krishna District.
5. Konduru Srinivasa Rao @ Babu, S/o. Subba Rao, R/o. 5th Ward, Avanigadda, Krishna District.
6. Badrla Satish Kumar, S/o. Omkar Nagabhushana Rao, R/o. 3rd Ward, Avanigadda, Krishna District.

Respondents

Petition under Section 407 of Cr.P.C. praying that in the circumstances stated therewith, the High Court may be pleased to transfer the S.C. No. 47 of 2001 on the file of IX Additional Sessions Judge (Fast Track Court), Machilipatnam, Krishna District to any other Sessions Judge within Krishna District.

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Mr. V.Ch. Naidu, Advocate for the Petitioners and of the Public Prosecutor for the Respondent No.1, the Court made the following

## ORDER:

**" This petition has been filed under section 407 of the Criminal Procedure Code seeking transfer of S.C. No. 47 of 2001 on the file of the Court of the IX Additional Sessions Judge (Fast Track Court) Machilipatnam, Krishna District.**

**The petitioner herein is the wife of the deceased and 2nd petitioner is their son. It is represented by the learned counsel for the petitioners that on a accusation that husband of the 1st petitioner was murdered by respondents 2 to 6 herein on 15-1-2000, police conducted investigation and filed charge sheet under section 302 read with 34 IPC.**

**About 22 witnesses were cited in the charge sheet. Subsequently, the trial commenced and P.W.1 turned hostile and deposed that death of the**

**deceased occurred due to deceased falling from a tree. Thereafter when the P.W.2 started deposing the evidence the learned Sessions Judge started commenting that when P.W.1 turned hostile, there is no case for the prosecution. It is the main grievance of the petitioners that in fact the post mortem report reflects multiple injuries, and that when the 1st petitioner also started her deposition as P.W. 3 on 21-06-2005, the learned Judge has been commenting on the same manner. It is the concern of the petitioners that comments of the learned Judge at this stage would hamper dispensation of justice.**

**The allegation leveled by the petitioners is that the learned Sessions Judge has already formed an opinion and has been commenting with regard to the result of the case at the stage of trial itself and it would hamper the dispensation of justice.**

**Considering the submissions made by the learned counsel for the petitioners and in view of the seriousness of the allegations leveled in the petition, the Registry is directed to call for a report from the trial Judge i.e. IX Additional District Sessions Judge (Fast Track Court) Machiliaptnam, Krishna District before whom SC No. 47 of 2001 is pending, as to the status of the case and also the circumstances that led to making alleged comments with regard to the result of the case at the stage of trial itself by the next date of hearing. Call after two weeks i.e. 27-7-2005. In the meanwhile, there shall be interim stay. "**

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The IX Addl. District Sessions Judge, Machilipatnam, Krishna District.
2. The Judicial First Class Magistrate, Avanigadda, Krishna District.
3. Chintalapudi Venkataramaiah, S/o. Veeraiah, R/o. 6th Ward, Avanigadda, Krishna District.
4. Chintalapudi Srinivasa Rao @ Srinu, S/o. Venkataramaiah, R/o. 6th Ward, Avanigadda, Krishna District.
5. Chintalapudi Sai Naga Krishna @ Sai, S/o. Venkataramaiah, R/o. 6th Ward, Avanigadda, Krishna District.
6. Konduru Srinivasa Rao @ Babu, S/o. Subba Rao, R/o. 5th Ward, Avanigadda, Krishna District.
7. Badrla Satish Kumar, S/o. Omkar Nagabhushana Rao, R/o. 3rd Ward, Avanigadda, Krishna District.
8. Two CCs to the Public Prosecutor, High Court of A.P., Hyderabad. **(OUT)**
9. One spare copy.

USR

# HIGH COURT

**GMJ**

**Dated : 13-07-2005**

**Note : Call after two weeks**
**i.e. on 27-7-2005.**

**ORDER**

**TR.CRL.P. NO. 154 OF 2005**

**INTERIM STAY**

**Drafted by : USR**
**Drafted on : 16-7-2005**

**HIGH COURT**

**GMJ**

**DT. 13-07-2005**

**Note : Call after two weeks**
**i.e. on 27-7-2005.**

**ORDER**

**TR.CRL.P. NO. 154 OF 2005**

**INTERIM STAY**